

## REMARKS

Claims 1-14 and 19 remain in this Application and are presented for the Examiner's reconsideration in light of the following comments. Claims 1-11, 13, and 14 have been rejected under 35 U.S.C. §103(a) or, in the alternative, under 35 U.S.C. §103(a) over Cinelli, et al., WO 98/28014. Claims 1-11, 13, and 14 have been rejected under 35 U.S.C. §102(a) or, in the alternative, under 35 U.S.C. §103(a) over Cinelli, et al., WO 98/28021. Applicants respectfully traverse these rejections.

In the attached Declaration provided under 37 C.F.R. §1.132, the Declarant, Stephen Allen Goldman, declares that, "In stark contrast [to the cited prior art], the adhesives for attachment to the skin disclosed and claimed by the instant Application are characterized primarily by their ability to adhere to skin under moist and wet skin conditions and their ability to maintain adhesive peel strength even under exposure to excess water. In large contrast to the cited prior art, the adhesives of the instant Application are able to absorb moisture from the wet skin and sufficiently minimize the impact of this absorbed moisture on the intrinsic characteristics of the adhesive (e.g., the aforementioned elastic and viscous moduli) that impact the peel strength." Further, Dr. Goldman states that, "There is no requirement in the [prior art] for these adhesives to adhere well to wet skin." Applicants respectfully believe Dr. Goldman's Declaration speaks for itself. Therefore, the cited Cinelli references fail to teach, disclose, or suggest each and every element of Applicants' claimed invention. Thus, Applicants respectfully request withdrawal of the Examiner's 35 U.S.C. §102(b) and 35 U.S.C. §103(a) rejection with respect to Claims 1-14 and 19 of the instant Application over the cited Cinelli references.

In addition, Applicants respectfully direct the Examiner's attention to Paper No. 6. In section 6 of the the Examiner's Office Action, the Examiner rejected the instant claims under 35 U.S.C. §103(a) over Cinelli, et al., WO 98/28014 in view of a secondary reference. The Examiner stated in the Office Action, "Although Cinelli, et al. describes formation of chemical crosslinks by condensation reactions or via added crosslinking agent, **the reference fails to mention irradiative methods for effecting chemical crosslinking.**" (Emphasis added). Further, in Section 9, the Examiner rejected the instant claims under 35 U.S.C. §103(a) over Cinelli, et al., WO 98/20821 in view of a secondary reference. The Examiner stated that, "the difference in [sic] between the prior art and the present claim is the requirement that the polymer is at least partially cross-linked by radiation." Therefore, each of the Cinelli references are insufficient to maintain a 35 U.S.C. §102(a) rejection over the claims of the instant Application. This is because the Examiner required a secondary reference to provide a rejection under 35 U.S.C. §103(a).

Applicants' response dated May 28, 2003 overcame the Examiner's rejection under 35 U.S.C. §103(a) over both Cinelli references in view of the secondary reference. Applicants are at a loss to understand how the Cinelli references can be used to maintain a rejection under 35 U.S.C. §102(a), since the Examiner believed that both Cinelli references do not teach or disclose each and every limitation of Applicants' claimed invention. "Anticipation under 35 U.S.C. §102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention." *See Apple Computer, Inc. v. Articulate Sys., Inc.*, 234 F.3d 14, 57 U.S.P.Q.2d 1057 (Fed.Cir. 2000)(citing *Electromed Sys. S.A. v. Cooper Life Sciences*, 34 F.3d 1048, 1052, 32 U.S.P.Q.2d 1017, 1019 (Fed.Cir. 1994)). Therefore, Applicants respectfully request withdrawal of the Examiner's rejection to Claims 1-14 and 19 herewith.

Conclusion

Based on all the foregoing, it is respectfully submitted that each of Applicants' remaining claims is in condition for allowance and favorable reconsideration is requested.

This response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512. If any additional charges are due, the Examiner is authorized to deduct such charges from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Respectfully submitted,

CINELLI, ET AL.

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